

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda/ Minutes

December 13, 2016

7:00 P.M.

Call to Order - **Council President Gonzalez called the meeting to order at 7:00 p.m.**

Roll Call - Deputy **City Clerk, Carmen Hernandez, called the roll with the following Council Members present:**

- Council President Gonzalez
- Council Vice President Cue-Fuente
- Councilwoman Vivian Casáls-Muñoz (arrived 7:05 p.m.)
- Councilwoman Lourdes Lozano
- Councilman Paul Hernandez
- Councilman Jose Caragol

Council Members Absent:

- Councilwoman Isis Garcia-Martinez

Also present were:

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

Invocation - **Carmen Hernandez, Deputy City Clerk, led the invocation.**

Pledge of Allegiance - **Councilman Hernandez led the Pledge of Allegiance.**

Meeting Guidelines

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the Deputy City Clerk in English, and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations –

- **Silvia M. Velazquez, Director of Development, Tax Clinic, St. Thomas University School of Law, addresses the Mayor and Council regarding tax preparation services offered by the university to the community. (COUNCILMAN HERNANDEZ)**
- **Chief of the Hialeah Fire Department, Miguel Anchia, and Chief of Training, Danny Fernandez, requested a street naming in honor of Lieutenant Michael Wright, Hialeah Fire Department.**

1. Announcement of Amendments/Corrections to the Agenda –

- **Item V has been added to today's agenda.**
- **An email message from Mr. Henry Pernas on Item 3, has been added to the backup documentation of the item, and has been placed on the dais for your review.**
- **Item C has been corrected to reflect the correct location.**

2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Councilman Hernandez requested separate discussion on item B.

REPORT: Motion to Approve the Consent Agenda except item B made by Councilwoman Casáls-Muñoz and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on November 22, 2016. (OFFICE OF THE CITY CLERK.) APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**

- B. Request from JLPR Group LLC, located at 3250 NE 1st Avenue, Miami, Florida, for a Temporary Street Closure Permit, for East 15 Street, from East 10th to 11th Avenue, to host a 305 Day Block Party, to be held on Sunday, March 5, 2017 from 9:00 a.m. to 8:00 p.m., with the event hours being from 3:00 p.m. to 8:00 p.m., subject to the recommendations of the Police and Fire Departments. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**

REPORT: Motion to Approve Item B made by Councilman Hernandez, and seconded by Councilwoman Casáls-Muñoz. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- C. Request permission to award Hialeah Bid No. 2015/16-3210-00-005 – *Reconstruction of West 31st Street and West 32nd Street from West 12th Avenue to West 8th Avenue, West 11th Avenue, and West 9th Avenue from West 30th Street to West 33rd Street*, to Horizon Contractors, Inc., lowest responsive bidder, for the right of way reconstruction of the specified area, in a total cumulative amount not to exceed \$2,190,724.45. (STREETS DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- D. Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Defined Benefit/Defined Contribution Plans, for the period of October 1, 2016 to September 30, 2017, since it is advantageous to the City in that the firm has provided reliable investment advice and performance monitoring for the plans since October 2014, with the firm's compensation fee being based on a percent of the fund's assets at the end of each quarter (0.07% fee of the total assets), which is estimated at \$40,000 annually. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- E. Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Elected Officers Retirement Trust, for the period of October 1, 2016 to September 30, 2017, since it is advantageous to the City in that the firm has provided reliable investment advice and performance monitoring for the trust since February 2008, with the firm's compensation fee being based on a percent of the fund's assets at the end of each quarter (0.25% fee of the total assets), which is estimated at \$30,000 annually. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to HD Supply, Inc., to purchase water meters for the development of new construction units, in a total cumulative amount not to exceed \$93,750. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- G. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the department's control system, and issue a purchase order to Curry Controls Company, for the service of repairing and replacing the pump station control panels, programming, panel installations, emergency call-out support and Scada support, in a total cumulative amount not to exceed \$200,000. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**

- H. Proposed resolution approving the designation of Okeechobee Road all the way to 9th Street on East 1 Avenue, Hialeah, Florida, as “Herman Echevarria Way”, in honor and memory of the outstanding service of Herman Echevarria to the City of Hialeah and South Florida and its residents, with the cost of signage to be paid by the City. (ADMINISTRATION) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-125.**
- I. Proposed resolution approving the designation of West 16th Avenue at 68th Street to 76th Street, Hialeah, Florida as “Jencarlos Canela Way”, in honor of his outstanding success and service with the cost of signage to be paid by the City. (ADMINISTRATION) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-126.**
- J. Proposed resolution approving the designation of West 24th Avenue at 68th Street to 74th Street, Hialeah, Florida, as “Mario Ferro Way”, in honor of the outstanding service of Mario Ferro to the City of Hialeah and South Florida and its residents, with the cost of signage to be paid by the City. (ADMINISTRATION) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-127.**
- K. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement with the State Attorney’s Office for the Eleventh Judicial Circuit of Florida in the form attached and made a part hereof as Exhibit “1” in order to reimburse the State Attorney as provided herein for prosecuting criminal violations of the Hialeah Code (state misdemeanors) and county code criminal violations not ancillary to state prosecution for a term commencing on October 1, 2016 through September 30, 2017; attached hereto and made a part hereof as Exhibit “1”, and providing for an effective date. (LAW DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-128.**
- L. Proposed resolution approving the First Amendment to Unsecured Promissory Note amending the terms of the Unsecured Promissory Note memorializing the Inter-Agency Fund Loan from the Water and Sewer Division to the Solid Waste Division of the Department of Public Works, in the principal sum of nineteen million dollars (\$19,000,000.00), authorized pursuant to Hialeah, Fla., Resolution 13-129 (December 10, 2013) to defer payment for three years until March 1, 2021, providing for the continuing accrual of interest during the deferral period and extending the maturity date until December 1, 2033; and authorizing the Mayor, and the City Clerk, as attesting witness, to execute the First Amendment to Unsecured Promissory Note, a copy of which is attached hereto and made a part hereof as Exhibit “1”, and all other documents necessary in furtherance hereof. (ADMINISTRATION) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-129.**
- M. Report of Scrivener’s Error – Resolution No. 2016-117, Item K of the November 8, 2016 City Council Meeting was approved with the incorrect name of *The Don Quijote Park*. The resolution is being correct to reflect the correct name, *The Don Quijote Plaza*. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**

- N. Request permission to award the Carmella Indiero Project Case No. S-508, for property located at 7785 West 10th Avenue, Hialeah, Florida, to AAB Affordable Services LLC, lowest responsive bidder, in a total cumulative amount not to exceed \$45,000, of which \$36,421 is the bid amount and \$8,579 is to cover any change order that may occur due to unforeseen conditions. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- O. Request permission to award the Carlota Fadul Project Case No. S-505, for property located at 7369 West 18th Avenue, Hialeah, Florida, to Servilacon, Corp., lowest responsive and responsible bidder, in a total cumulative amount not to exceed \$95,000, of which \$92,000 is the bid amount and \$3,000 is to cover any change order that may occur due to unforeseen circumstances. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- P. Request permission to award the Gladys Galindo Project Case No. S-503, for property located at 566 East 48 Street, Hialeah, Florida, to AAB Affordable Services LLC, lowest responsive bidder, in a total cumulative amount not to exceed \$45,000, of which \$39,360 is the bid amount and \$5,640 is to cover any change order that may occur due to unforeseen circumstances. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- Q. Report of Scrivener's Error – Item W of the City Council Meeting of September 27, 2016 was approved with the incorrect amount number 109.2000.522521 – *Fire Rescue Transportation Fund*. This item is being corrected to reflect the correct account number, 001.2000.522521 – *General Fund*. (FIRE DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- R. Report of Scrivener's Error – Item II of the City Council Meeting of November 8, 2016 was approved with the incorrect expense amount of \$63,021. The expense amount is being corrected to reflect the correct expense amount of \$67,701. Although the account numbers to which the expense will be charged to will remain the same, the amounts will be charged as follows: \$60,987 to account number 121.1000.521650 and \$6,714 to account number 105.1000.521650. (POLICE DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- S. Request permission to issue a purchase order to Steiner-Atlantic Corp., sole source vendor, to purchase a specialized Rigid Mount Washer/Extractor/Drying system for firefighting turnout gear, in a total cumulative amount not to exceed \$173,237. (FIRE DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- T. Request permission to issue a purchase order to Safe Air Corp., sole source vendor, to purchase a vehicle exhaust extraction system for all fire apparatus, in a total cumulative amount not to exceed \$297,662.96. (FIRE DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**
- U. Proposed resolution authorizing the placement of Fiduciary Liability Insurance through the services of Arthur J. Gallagher Risk Management Services, Inc., an Illinois Corporation, insuring the City of Hialeah 457 Plan, City of Hialeah 401A Plan, City of Hialeah Elected

Officers' Retirement Trust, City of Hialeah Health Maintenance Organization (HMO) Plan, City of Hialeah Self-Funded Group Health Program, and City of Hialeah Medicare Advantage ESA PPO Plan for an annual premium of \$24,755.00 commencing on December 15, 2016 and expiring on December 15, 2017 with no self-insured retention and limit of \$5,000,000.00. (RISK MANAGEMENT DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-130.**

- V. Request from Florida National University, located at 4425 West 20th Avenue, Hialeah, FL, for a Temporary Street Closure Permit, for a Human Trafficking Awareness Walk, beginning at the Florida National University West Gate located on West 20th Avenue, making a right on 44th Place traveling east until West 16th Avenue, making a right on West 44th Place to 42nd Place, make a right into West 42nd Place traveling westbound, making a right onto West 18th Avenue, traveling for two miles until the interception of West 44th Place and 18th Avenue is reached, making a left going West to the entrance of the University, on Wednesday, January 18, 2017 at 10:15 a.m., subject to the recommendations of the Hialeah Police Department. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent.**

3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 11. CR Commercial-Residential District, of the Code of Ordinances of the City of Hialeah, revising Section 98-877 entitled "Uses Permitted and Regulations", to include pawnshops, medical clinics, and pet stores as permitted uses; eliminating the prohibition against sale of second hand merchandise; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in the code; providing for an effective date.(ZONING) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-86.**

Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.

Item was withdrawn from the November 8, 2016 City Council Meeting agenda because the matter required readvertisement. First reading was scheduled for November 22, 2016.

Item was approved by the Planning and Zoning Board on October 26, 2016.

REPORT: Motion to Approve Item 3 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

4. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 11A. CR Commercial-Residential District outside the Hialeah Downtown Urban Center (HDUC), of the Code of Ordinances of the City of Hialeah, revising Section 98-891 entitled "Prohibited Uses and Limitations"; eliminating the restrictions on the sale of secondhand jewelry; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for an effective date. (ZONING) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-87.**

Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.

Item was withdrawn from the November 8, 2016 City Council Meeting agenda because the matter required readvertisement. First reading was scheduled for November 22, 2016.

Item was approved by the Planning and Zoning Board on October 26, 2016.

REPORT: Motion to Approve Item 4 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice-President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

5. Second reading and public hearing of proposed ordinance opting out of the Early Voting time and location provisions provided by state law, specifically, Sections 101.657(1)(a)-(1)(d), Florida Statutes and in lieu thereof, providing Early Voting at JFK Library for the Primary Election, and in particular, on Monday, October 30, 2017, from 11:00 a.m. to 7:00 p.m., on Tuesday, October 31, 2017, from 7:00 a.m. to 3:00 p.m., on Wednesday, November 1, 2017, from 11:00 a.m. to 7:00 p.m.; on Thursday, November 2, 2017, from 7:00 a.m. to 3:00 p.m.; Friday, November 3, 2017, from 11:00 a.m. to 7:00 p.m., on Saturday, November 4, 2017, from 9:00 a.m. to 4:00 p.m., and on Sunday, November 5, 2017, from 9:00 a.m. to 4:00 p.m.; and providing Early Voting at JFK Library for the General Election, if a General Election is held, and in particular, on Friday, November 17, 2017, from 11:00 a.m. to 7:00 p.m., on Saturday, November 18, 2017, from 9:00 a.m. to 4:00 p.m. and on Sunday, November 19, 2017, from 9:00 a.m. to 4:00 p.m.; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-88.**

Item was approved by the City Council on first reading on November 22, 2016.

REPORT: Motion to Approve Item 5 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

6. Second reading and public hearing of proposed ordinance vacating 35 feet of right of way dedicated for highway purposes by deed dated January 27, 1992 and recorded in the public records of Miami-Dade County at Official Records Book 15590, Page 1619, containing an area of approximately 11,550 square feet, more or less, **property located on theoretical N.W. 104 Avenue lying west of N.W. 102 Avenue and north of N.W. 154 Street, Hialeah, Florida**, and more particularly described in the surveyor's legal description and location sketch attached hereto and made a part hereof as Exhibit "A". (STREET DEPT.) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-89.**

Item was approved by the City Council on first reading on November 22, 2016.

REPORT: Motion to Approve Item 6 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

7. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 13. CBD Central Business District, of the Code of Ordinances of the City of Hialeah, revising Section 98-973 entitled “Prohibited Uses and Limitations”; eliminating the restrictions on the sale of secondhand jewelry; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability clause; providing for inclusion in the code; providing for an effective date. (ZONING) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. Second reading and public hearing is scheduled for January 10, 2016.**

Item was approved by the Planning and Zoning Board on November 16, 2016.

REPORT: Motion to Approve Item 7 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

8. Board Appointments –

- a. Proposed resolution reappointing **Minying Ho** to the Board of Trustees of the Employees’ General Retirement System of the City of Hialeah as the American Federation of State, County and Municipal Employees (“AFSCME”) appointment for a two (2) year term ending on December 31, 2018. (AFSCME) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-131.**

REPORT: Motion to Approve Item 8a made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- b. Proposed resolution reappointing **Manuel Ferrera** to the Board of Trustees of the Employees General Retirement System, as the City Council’s appointment, for a two (2) year term ending on December 31, 2018. (CITY COUNCIL) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-132.**

REPORT: Motion to Approve Item 8b made by Councilwoman Casáls-Muñoz, and seconded by Council Vice-President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- c. Proposed resolution reappointing **Osvaldo Estrada** to the Board of Trustees of the Employees General Retirement System as the Police Benevolent Association (“PBA”) appointment for a two (2) year term ending on December 31, 2018. (PBA) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-133.**

REPORT: Motion to Approve Item 8c made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- d. Proposed resolution reappointing **Robert Williams III** to the Board of Trustees of the Employees General Retirement System as the International Association of Fire Fighters (“IAFF”) appointment for a two (2) year term ending on December 31, 2018. (IAFF) **APPROVED (6-0-1) with Councilwoman Garcia-Martinez absent. RESOLUTION NO. 2016-134.**

REPORT: Motion to Approve Item 8d made by Councilwoman Casáls-Muñoz, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Garcia-Martinez absent.

- e. Re-appointment by Councilman Paul Hernandez to **Gustavo Orta** to the Cultural Affairs Board for a two (2) year term commencing on November 16, 2015 and ending on November 16, 2017. (COUNCILMAN HERNANDEZ) **SO NOTED**

9. Unfinished Business – NONE

10. New Business –

- **Miguel Anchia, Chief of Fire, thanked Armando Vidal, for his assistance in purchasing a brand new fire truck.**

11. Comments and Questions-

- **Mayor Hernandez thanked the City Council and all employees for a great 2016.**
- **Alberto Lamadrid, 4445 West 16 Avenue, Hialeah, Florida, addressed the City Council.**
- **Patrick Flynn, Assistant Fire Chief, Hialeah Fire Department, addressed Mr. Lamadrid and City Council.**
- **Frank De La Paz, 2300 West 84 St, Hialeah, Florida, addressed the City Council.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

REPORT: All were duly sworn in.

- PZ 1. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 2000-45 (May 9, 2000), that granted a variance permit, repealed and rescinded Hialeah, Fla. Ordinance 97-80 (October 28, 1997) and modified Declaration of Restrictions dated October 16, 1987 to allow a 953-foot distance separation between the proposed pawn shop (secondhand dealer) and an existing jewelry store (precious metals dealer), where a 2,000-foot minimum distance separation was required and releasing two Declarations of Restrictive Covenants, the first dated October 16, 1997, recorded in Book 17909, at Page 1375 and the second dated July 11, 2000, recorded in Book 19188, at Page 4325, **property located at 7190 West 12 Avenue, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Henry Pernas) **APPROVED (5-0-2) with**

Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.
ORDINANCE NO. 2016-90.

Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.

Planner's Recommendation: Approval as requested.

Item was approved by the Planning and Zoning Board on November 9, 2016.

Property owner: Henry Pernas, 7190 West 12 Avenue, Hialeah, Florida.

REPORT: Motion to Approve Item PZ1 made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.

- PZ 2. Second reading and public hearing of proposed ordinance rezoning 287.70 acres of land from GU (Interim District) to RDD (Residential Development District), requiring a minimum of 25% developed as RH-1 (One Family District), minimum of 20% and maximum of 30% developed as R-4 (Townhouse), maximum of 20% developed as RH-3-M (Multiple Family District) and maximum of 10% developed as RH-3-MM (Multiple Family District, 15 to 24 units per acre); substituting the requirements of the residential development district by approving the site plan dated 10-5-16 and pattern book, prepared by Pascual Perez Kiliddjian & Associates Architects and approving the landscape plan dated 10-5-16, prepared by Witkin Huts Design Group; granting a variance permit to allow the following variances for the respective residential components of the project: (a) minimum building site with (R-4), to allow building site 23' wide (25' required) contra to § 98-687, Hialeah Code of Ordinances; (b) minimum lot width to allow RH-1 LOT widths of 32' (40' required) contra to § 98-1604(c), Hialeah Code of Ordinances and RH-3-M lot widths of 18' 4" and 21' 4" (75' required) contra to § 98-1606(d) Hialeah Code of Ordinances; (c) maximum lot coverage (RH-1 and R-4) to allow lot widths in excess of 50% for a number of the RH-1 and R-4 units contra to § 98-1604(i), Hialeah Code of Ordinances; (d) open space per unit (R-4), to allow less open space than the required 400 square feet per unit contra to § 98-694 Hialeah Code of Ordinances; and front yard (RH-1, RH-3-M, and R-4), contra to §§ 98-1604(e)(1), 98-1606(d) and 98-687, Hialeah Code of Ordinances, side street (RH-3-M) contra to § 98-1606(f)(2), Hialeah Code of Ordinances, corner lot (R-4) contra to § 98-689, Hialeah Code of Ordinances, and rear yard (RH-1 and R-4) setbacks contra to §§ 98-1604(e) (4) and 98-689 Hialeah Code of Ordinances; properties **located on the SE corner of NW 170 Street and NW 97 Avenue**, Hialeah, Florida; repealing ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Hugo P. Arza, Esq. on behalf of Two Lakes Lennar, LLC and Atlas Hialeah Heights, LLC) **APPROVED (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-91.**

Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.

Registered Lobbyists: Hugo P. Arza, Esq., Alejandro J. Arias, Esq., Juan J. Mayol, Esq., and Michael Freire, Land Use Consultant, Holland & Knight LLP, 701 Brickell Avenue, Suite 3300,

Miami, Florida 33131.

Planner's Recommendation: Approval subject to Declaration of Restrictions acceptable to the City as per Section 98-1608 of the City of Hialeah Code and future amendment of Ordinance No. 2016-26.

Item was approved as recommended by the Planning and Zoning Board on November 9, 2016.

Property owners: Lennar Homes, LLC, 730 NW 107 Avenue, 4th Floor, Miami, Florida and Atlas Hialeah Heights, LLC, 336 East Dania Beach Boulevard, Dania Beach, Florida 33004.

REPORT: Motion to Approve Item PZ2 made by Council Vice-President, and seconded by Councilman Caragol. Motion passed (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.

- PZ 3. Second reading and public hearing of proposed ordinance granting a variance permit to allow a front setback of 8.9' (25') required contra to § 98-589, Hialeah Code of Ordinances and rear setback of 10' (20' required) contra to § 98-591, Hialeah Code of ordinances; **property located at 1295 West 69 Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Alejandro Vilarello, P.A., on behalf of Hialeah Lake Investments, LLC) **APPROVED (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-92.**

Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.

Planner's Recommendation: Approval

Item was approved by the Planning and Zoning Board on November 9, 2016.

Property owner: Hialeah Lake Investments, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida 33014.

REPORT: Roxanna Green, 7835 West 18 Lane, Hialeah, Florida, addressed the City Council in opposition of the approval of this item.

REPORT: Motion to Approve Item PZ3 made by Council Vice-President Cue-Fuente, and seconded by Councilman Caragol. Motion passed (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.

- PZ 4. Second reading and public hearing of proposed ordinance approving a final plat of Villas de las Palmas. **Property located at 3500 West 9th Avenue, Hialeah, Florida.** Accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **APPROVED (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-93.**

<i>Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.</i>
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<i>Item was approved by the Planning and Zoning Board on November 9, 2016.</i>
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<i>Property owner: Les Chalets Investments, LLC and Hialeah 10.1 Acres, LLC d/b/a Villas de las Palmas LLC</i>
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REPORT: Motion to Approve Item PZ4 made by Councilman Caragol, and seconded by Councilwoman Lozano. Motion passed (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.

- PZ 5. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); **property consists of vacant land lying north of SE 12 Street, between SE 9 Court and SE 9 Terrace, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Apogean Pointe, LLC c/o L. Michael Osman, Manager) **APPROVED (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-94.**

<i>Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.</i>
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<i>Planner's Recommendation: Approval.</i>
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<i>Item was approved by the Planning and Zoning Board on November 16, 2016.</i>

<i>Property owners: Interland, LLC, 7767 NW 146 Street, Miami Lakes, Florida; NuView IRA f/b/o, L. Michael Osman, 1474-A West 84 Street; Miguel Recalde, 6900 Bay Drive #8-I, Miami Beach, Florida 33141; Maurice Costa, 6843 Main Street, Miami Lakes, FL.</i>

REPORT: Motion to Approve Item PZ5 made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent.

- PZ 6. Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) to TOD (Transit Oriented Development District); **property located at 2701-2765 East 11 Avenue Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Hugo P. Arza, Esq. on behalf of A & B Investment 2701, LLC) **APPROVED (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martinez absent. ORDINANCE NO. 2016-95.**

<i>Item was approved by the City Council on first reading on November 22, 2016. Second reading and public hearing was scheduled for December 13, 2016.</i>
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<i>Planner's Recommendation: Approval</i>

<i>Item was approved by the Planning and Zoning Board on November 16, 2016.</i>
<i>Property owners: 2014 AMP, Inc., 900 SW 80th Court, Miami, Florida 33144 and 2014 ALG, Inc., 2650 East 11th Avenue, Hialeah, Florida 33013.</i>

REPORT: Alejandro Arias, Holland & Knight LLP, 701 Brickell Avenue, Suite 3300, Miami, FL., addressed the City Council on this item.

REPORT: Motion to Approve Item PZ6 made by Councilman Caragol, and seconded by Councilman Hernandez. Motion passed (5-0-2) with Councilwoman Casáls-Muñoz not present and Councilwoman Garcia-Martínez absent.

NEXT CITY COUNCIL MEETING: Tuesday, January 10, 2017 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2017 at 6:30 p.m.

REPORT: Meeting was adjourned by Council President Gonzalez at 8:50 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).